

A. G. FILE NO.



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN**

**GERALD C. MANN  
ATTORNEY GENERAL**

Honorable Marion M. Brown, President  
Texas State Board of Medical Examiners  
City National Bank Building  
Mexico, Texas

Dear Sir:

Opinion No. 0-5575

Re: Can a license certificate  
legally be issued by the  
Texas State Board of Medical  
Examiners without the signa-  
tures of its entire member-  
ship? One member being un-  
able to sign.

This will acknowledge receipt of your letter of  
recent date requesting the opinion of this department on  
the above stated question. We quote in part from your letter  
as follows:

"We have one member of the Texas State  
Board of Medical Examiners who is serving in  
the Armed Forces of the United States Govern-  
ment, Dr. C. M. Phillips (Lt. Col.) of Level-  
land, Texas.

"Under the law regulating the duties of  
the members, each Board member must sign the  
license certificates issued to the doctors who  
pass the written examination and those who are  
accepted by reciprocity with other states. Dr.  
Phillips is not able to attend the meetings and

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cannot sign the license certificates of the applicants. This fact was discussed at the last Board Meeting, and, as President, I was requested to secure a ruling from you . . ."

The only statutory law we have found in the manner of how the certificates are to be issued to doctors who have passed the prescribed examinations is Article 4503, Revised Civil Statutes. The pertinent portion thereof provides:

" . . . All certificates shall be attested by the seal of the Board and signed by all members of the Board, or a quorum thereof . . ."  
(Underscoring ours)

Article 14, Revised Civil Statutes, provides:

"The majority of any legally constituted board or commission, unless otherwise specifically provided, shall constitute a quorum for the transaction of business."

There is no provision specifically providing as to the number constituting a quorum of the Board of Medical Examiners.

Your question therefore is answered in the affirmative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

SEP 22, 1943

*Gerald C. Naan*  
ATTORNEY GENERAL OF TEXAS

By *Fred C. Chandler*  
Fred C. Chandler  
Assistant

By *Robert O. Koch*  
Robert O. Koch

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